IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO.7156 OF 2006

Smt. Hemlata Prakash Choudhary (Talele).
...Petitioner.
Vs.
The President/Secretary,
Mumbra Shikshan Prasarak Mandal and ors.
...Respondents.

Ms. Kumud A. Bhatia for the Petitioner.
Mr.P.P. Kakade, AGP. for the State.
Mr.S.P.Thorat for the Respopndent No.5.

CORAM: S.B. MHASE &
R.S. MOHITE, JJ.
DATE : 10th April, 2007

P.C.

1. Heard.

2. The petitioner has approached this court to collect her service book from the Respondent No.5-Education Officer. It is an admitted fact on record that the original service book was given by the petitioner to the Education Officer, Zilla Parishad, Thane. However, the said original service book has been lost by the Education Officer either himself or by some other official in his office. Now the Education Officer appears to have obtained the zerox copy of the service book of the petitioner from Kanya Shala and he contended that certain entries were forged by the petitioner. He is also trying to suggest that the petitioner has taken

the original service book from his office. If this would have been the fact, then the petitioner would not have filed the present petition for getting the original service book. This contention of the Education Officer is ill founded. The fact remains that the original service book has been lost by the office of the Education Officer and for that purpose the petitioner was required to file this petition. It further appears that in spite of the service of the petition upon the respondent No.5, the respondent No.5 did not bother to appear and give instructions to the A.G.P. in the matter. Ultimately, by order dated 4.4.2007 we were required to issue directions to the respondent No.5 to remain present in the court. Now for the first time it is disclosed to the court that the original service book has been lost and thus, even though the respondent No.5 was aware that the original service book of the petitioner was lost, the respondent No.5 kept mum for years together and when he was constrained to make a statement that the original service book is lost, he made an attempt to state that the original service book has been taken by the petitioner. This was simply an attempt to harass the petitioner. We find that this is because of the lapse on the part of the Education Department. We therefore, direct the Zilla Parishad, Thane to deposit costs of Rs.5000/-in this court within a period of two weeks from today. Since the Respondent

No.5 is working with the said Zilla Parishad, the said costs will be payable to the petitioner. However, the Chief Executive Officer of the Thane Zilla Parishad is entitled to hold an appropriate enquiry for misplacement of the service book of the petitioner, either at the hands of the Education Officer or at the hands of subordinate staff of the Education Officer and recover the costs from the concerned person. Copy of this order be sent to the Chief Executive Officer, Zilla Parishad, Thane. The Education Officer makes a statement that he will submit the service book to B.S.Jondhale Vidya Mandir, Primary Hindi School, Mumbra, Dist. Thane where the petitioner is serving, within a period of two weeks. In view of the statement of the Education Officer, nothing survives in the petition. Petition is therefore, disposed of.

(R.S. MOHITE, J.) **(S.B. MHASE, J.)**